

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1425 be amended to read as follows:

- 1 Page 6, between lines 28 and 29, begin a new paragraph and insert:
- 2 "SECTION 11. IC 24-5-16.5 IS ADDED TO THE INDIANA CODE
- 3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2007]:
- 5 **Chapter 16.5. Return of Leased Vehicles**
- 6 **Sec. 1. This chapter applies to a lease contract entered into after**
- 7 **June 30, 2007.**
- 8 **Sec. 2. As used in this chapter, "dealer" has the meaning set**
- 9 **forth in IC 24-5-13.5-5.**
- 10 **Sec. 3. As used in this chapter, "lease" has the meaning set forth**
- 11 **in IC 24-5-13-3.4.**
- 12 **Sec. 4. As used in this chapter, "lease contract" means a**
- 13 **contract for or in contemplation of a lease for:**
- 14 **(1) the possession and use of a vehicle (as defined in**
- 15 **IC 24-4-9-8) primarily for family, household, or business**
- 16 **purposes; and**
- 17 **(2) the purchase of services incidental to the possession and**
- 18 **use of the vehicle;**
- 19 **by a person for a term exceeding four (4) months.**
- 20 **Sec. 5. As used in this chapter, "leased vehicle" means a vehicle**
- 21 **(as defined in IC 24-4-9-8) that is:**
- 22 **(1) leased to a lessee in Indiana; and**
- 23 **(2) required to be registered in Indiana under IC 9-18.**
- 24 **Sec. 6. As used in this chapter, "lessee" means a person who**

1 acquires the right to the possession and use of a leased vehicle  
2 under a lease contract.

3 Sec. 7. As used in this chapter, "lessor" has the meaning set  
4 forth in IC 24-5-13-3.7.

5 Sec. 8. As used in this chapter, "termination" means:

6 (1) the cancellation (as defined in IC 26-1-2.1-103(b)) of a  
7 lease;

8 (2) the termination (as defined in IC 26-1-2.1-103(z)) of a  
9 lease; or

10 (3) the expiration of a lease, in accordance with the terms set  
11 out in the lease contract.

12 Sec. 9. (a) Upon the termination of a lease, a lessee who delivers  
13 the leased vehicle to:

14 (1) the dealer from whom the lessee obtained the leased  
15 vehicle; or

16 (2) any other person designated in the lease contract to receive  
17 delivery of the leased vehicle upon termination of the lease;

18 is not required to provide the lessor with written or other notice of  
19 the delivery.

20 (b) A provision in a lease contract that requires the lessee to  
21 provide the lessor with written or other notice of a delivery  
22 described in subsection (a) is void and unenforceable.

23 (c) Subject to IC 26-1-2.1-505, a delivery described in subsection  
24 (a) serves as notice to the lessor that:

25 (1) the lease has been terminated; and

26 (2) the lessee is no longer responsible for the safekeeping of  
27 the leased vehicle.

28 Sec. 10. (a) A lessor that does either of the following after June  
29 30, 2007, commits a deceptive act that is actionable by the attorney  
30 general and is subject to the remedies and penalties under  
31 IC 24-5-0.5:

32 (1) Enters into a lease contract that requires the lessee to  
33 provide the lessor with written or other notice of a delivery  
34 described in section 9(a) of this chapter.

35 (2) Requires a lessee to provide the lessor with written or  
36 other notice of a delivery described in section 9(a) of this  
37 chapter, except to enforce a contract that:

38 (A) was entered into before July 1, 2007; and

39 (B) requires a lessee to provide the lessor with written or  
40 other notice of a delivery described in section 9(a) of this  
41 chapter.

42 (b) The remedies provided by this section are in addition to any  
43 other rights or remedies that a lessee has under any other law.

44 Sec. 11. In case of a conflict between this chapter and  
45 IC 26-1-2.1, this chapter controls, as provided in  
46 IC 26-1-2.1-104(2)."

47 Renumber all SECTIONS consecutively.

(Reference is to HB 1425 as printed January 26, 2007.)

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Representative Buck